

Notice of Allowability

Application No.

10/617,330

Examiner

Satya B. Sastri

Applicant(s)

AMICK ET AL.

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1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on March 6, 2006.
2. ☒ The allowed claim(s) is/are 1-4, 6-9 and 11-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed March 6, 2006 and the rejections are withdrawn. ***Claims 1-4, 6-9, 11-17*** are now pending in the application.

Reasons For Allowance

2. ***Claims 1-4, 6-9, 11-17*** are allowed.

3. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Ruffner et al. (US 4,600,761), Kazuhiro (JP 09-143444, Machine translation), Sonnabend (US 4,384,096), Brown et al. (US 6,545,084 B2) and Slone et al. (US 6,403,703 B1).

The present claims are directed to an aqueous composition comprising a polymer comprising as polymerized units, greater than 7.5 to less than 100 wt.% of at least one ionic monomer and from greater than 7.5 to less than 92.5% by wt. of a nonionic surfactant monomer wherein said polymer is formed by free radical polymerization process in the presence of 0.01 to 1 wt.% of an organic compound selected from t-alkyl hydroperoxides, t-alkyl peroxides, t-alkyl peresters and mixtures thereof, wherein said t-alkyl group has at least 5 carbon atoms.

The disclosures of Ruffner et al., Kazuhiro and Sonnabend disclose polymerization of ionic monomers with nonionic emulsifier monomers by conventional thermal and redox initiators. However, the prior art does not teach or suggest the use of 0.01 to 1 wt.% of an organic compound selected from t-alkyl hydroperoxides, t-alkyl peroxides, t-alkyl peresters and

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mixtures thereof, wherein said t-alkyl group has at least 5 carbon atoms as recited in instant claims. Such initiators append to the polymer chains as end groups and thus chemically differ from instantly claimed aqueous compositions.

Brown et al. disclose aqueous compositions formed from free radical polymerization of monomers comprising 0-7.5% by wt. of ethylenically unsaturated acid monomers in the presence of t-alkyl free radical initiators wherein the t-alkyl group includes at least 5 carbon atoms in amounts of 0.01 to 1.0% by wt. The polymerization may be conducted in the presence of anionic and/or nonionic surfactant including ethylenically unsaturated surfactant monomers.

Slone et al. disclose aqueous compositions comprising 0.5-5% by wt. of ethylenically unsaturated acid monomers in the presence of t-alkyl free radical initiators wherein the t-alkyl group includes at least 5 carbon atoms in amounts of 0.01 to 1.0% by wt. The polymerization may be conducted in the presence of anionic and/or nonionic surfactant including ethylenically unsaturated surfactant monomers.

Neither Brown et al. nor Slone et al. disclose aqueous compositions comprising a polymer comprising as polymerized units, greater than 7.5 to less than 100 wt.% of at least one ionic monomer and from greater than 7.5 to less than 92.5% by wt. of a nonionic surfactant monomer as recited in instant claims. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue

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Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Future Correspondence

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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